IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH

AT HYDERABAD

(Special Original Jurisdiction)

TWENTY FIFTH DAY OF JULY

TWO THOUSAND AND FIVE

PRESENT

HON'BLE SRI JUSTICE S.ANANDA REDDY

W.P.No.15489 of 2005

Between:

City Educational Society, Hyderabad. …Petitioner.

And

The All India Council for Technical Education,

Chennai and another. …Respondents.

COUNSEL FOR THE PETITIONER : Mr.Ch. Samson Babu

COUNSEL FOR RESPONDENT No.1 : Mr. S.S. Prasad

COUNSEL FOR RESPONDENT No.2 : G.P. for Education.

The Court made the following order :

HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION No.15489 of 2005

ORDER :

This writ petition is filed by the petitioner seeking Writ of Mandamus declaring the action of the respondents in not extending the benefit of Revised Regulations of All India Council for Technical Education(AICTE) under Regulation No.6(F) and (G) extending the period of three years for execution of Letter of Intent dated 19-4-2005 issued to the petitioner Society for starting the College of Pharmacy and in not sending the Inspection Team to visit the Institution as per the request made by the petitioner through its letter dated 21-2-2005 as being illegal, arbitrary and violative of the provisions of the Constitution of India and also the Regulations of AICTE and consequently sought for appropriate direction to the respondents.

According to the petitioner, it made an application for establishing a College of Pharmacy at Sidduloor, Vikarabad Mandal, Ranga Reddy District, pursuant to the notification
dated 16-2-2004 issued by the first respondent. The State level Committee inspected and scrutinized. Thereafter the Committee appointed the second respondent to look into the project proposals and finally the first respondent was pleased to issue a Letter of Intent by proceedings dated 19-4-2004 in terms of the recommendations of the State level Committee. The petitioner received the said Letter of Intent in the last week of April, 2004 as per which the petitioner is entitled to have an intake of sixty candidates. As per the Letter of Intent, the cumulative Fixed Deposit in Nationalised Bank in the joint name of the Society and the Commissioner of Technical Education for a period of ten years was to be drawn by the management for an amount of
Rs.20-00 Lakhs. Further, Endowment funds are to be created within one week from the date of the receipt the Letter of Intent along with photos of the completed building for running of the College are to be sent. According to the petitioner, due to unavoidable circumstances, the building could not be completed within the stipulated time, and therefore, the management thought it fit not to create Endowment Fund and consequently the College could not be started during the academic year 2004-05. It is also stated in the Letter of Intent that the cut off date, as fixed by the first respondent, will not be extended due to any reason whatsoever.

The grievance of the petitioner is that reasonable time was not granted by the respondents for the construction of the building as well as for compliance of other directions. It is further stated that AICTE through its notification dated 6-1-2005 has issued new Regulations in supersession of the earlier Regulations containing the Regulations 6(F) and (G) as per which the Letter of Intent shall be valid for a maximum period of three years by which time the Institution shall comply all the requirements as per the norms, standards and conditions, as decided by the Council. It is further stated that in view of the amended provisions, the petitioner made a representation dated 21-2-2005 to the Director of AICTE, Southern Regional Office, Chennai – first respondent herein, seeking to consider the claim of the petitioner and also for extension of the Letter of Intent for a period of three years in terms of the amended Regulations. However, as no orders were passed by the second respondent, the petitioner has come up with the present writ petition.

This Court on 18-7-2005 directed the Standing Counsel for AICTE to see that orders are being passed on the representation of the petitioner. But, however, today it is represented by the learned Standing Counsel that as the Director was away from the office, he was not able to pass orders, and therefore, sought for appropriate orders for disposal of the representation of the petitioner.

In the light of the above circumstances, after hearing the both sides, this Court is of the considered opinion to direct the second respondent to dispose of the representation of the petitioner dated 21-2-2005 expeditiously, preferably, within a period of two weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of at the admission stage.

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(S.ANANDA REDDY,J)

25-07-2005.

Note: Issue copy of this order

within two days.

B/o.

Msr.

HON’BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION No.15489 of 2005

25-07-2005

(Msr)